# United States v. Joao Ricardo DeBorba

# Count 1: Unlawful Possession of Firearms and Ammunition (5/6/2022)

- ✓DeBorba knowingly possessed firearm and ammo
  - ¶ 23 & Ex. 12 (photos): SW of apartment
  - ¶ 30 & Ex. 17 (SA Taylor Report): reviewed pictures and "admitted that the firearms in the picture were his"





# Count 1: Unlawful Possession of Firearms and Ammunition (5/6/2022)

- ✓Interstate Nexus
  - ¶ 28: ATF SA Grigore determined nexus
  - ¶ 28: DeBorba stipulates
- ✓ DeBorba knew he was a non-citizen illegally and unlawfully in United States, (g)(5)
  - ¶ 2-6, 30: DeBorba admits that "he was aware at all times relevant to this case that he did not have legal status in the United States." ¶ 6

# Count 1: Unlawful Possession of Firearms and Ammunition (5/6/2022)

✓ Subject to a court order meeting the requirements of 18

U.S.C. § 922(g)(8)(A)-(C)

■ ¶¶ 18-19 & Ex. 9: Oct. 14, 2020 NCO

• Expired 10/14/2022

■ ¶¶ 20-21 & Ex. 11: Jan. 31, 2022 NCO

• Expires 1/31/2027

■ ¶¶ 19, 21: "A.D. is DeBorba's "intimate partner."



# Count 2: Unlawful Possession of Firearms and Ammunition (11/16/2019)

- ✓DeBorba knowingly possessed firearm and ammo
  - ■¶ 16 & Ex. 7 (VPD Allred report): Consent to search apartment; combo to gun safe
  - *Id.* "DeBorba stated he did [possess firearms] and confirmed they were located in his apartment."
  - *Id.* Firearms and ammo listed in Ct. 2 were located

# Count 2: Unlawful Possession of Firearms and Ammunition (11/16/2019)

- ✓Interstate Nexus
  - ¶ 17: ATF SA Grigore determined nexus
  - *Id*.: DeBorba stipulates
- ✓ DeBorba knew he was a non-citizen illegally and unlawfully in United States, (g)(5)
  - ¶ ¶ 2-6, 30: DeBorba admits that "he was aware at all relevant times relevant to this case that he did not have legal status in the United States."

# Count 2: Unlawful Possession of Firearms and Ammunition (11/16/2019)

- ✓ Subject to a court order meeting the requirements of 18 U.S.C. § 922(g)(8)(A)-(C)
  - ¶¶ 14-15 & Ex. 6: Nov. 14, 2019 NCO
  - *Id.* Expires 11/12/2024



# Count 3: Unlawful Possession of a Firearm (4/14/2019)

- ✓ DeBorba knowingly possessed firearm
  - ¶¶ 12-13: WSP traffic stop
  - *Id.* "DeBorba told Officer ... that his Glock 26 handgun was in the backpack ... Officer ... found the Glock 26."
- ✓ Interstate Nexus
  - ¶ 13: ATF SA Grigore determined nexus
  - *Id*.: DeBorba stipulates
- ✓DeBorba knew he was a non-citizen illegally and unlawfully in United States, (g)(5)
  - ¶ ¶ 2-6, 30: DeBorba admits that "he was aware at all relevant times relevant to this case that he did not have legal status in the United States."

# Count 4: False Statement During Purchase of Firearm (5/8/2019)

- ✓Brass Tacks Munitions = licensed firearms dealer
  - ■¶ 11
- ✓In connection with acquiring a Rock Island Armory model M200 .38 special caliber handgun, DeBorba made a false statement
  - ■¶ 11; Ex. 4 (4473; Firearms Transaction Record)

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1-Rock Island Amony	m200	RIA	999.506	revolver	385P/
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# Count 4: False Statement During Purchase of Firearm (5/8/2019)

- ✓DeBorba knew the statement was false
  - ■¶ ¶ 2-6, 30: DeBorba admits that "he was aware at all relevant times relevant to this case that he did not have legal status in the United States."
- ✓ False statement was material
  - ■¶ 11: "DeBorba's statements regarding his citizenship and legal status influenced Brass Tacks Munitions into believing that the firearm could be sold to DeBorba in compliance with Title 18, United States Code, Section 922(d)(5)."

# Count 5: False Statement During Purchase of Firearm (4/4/2019)

- ✓ Cabela's= licensed firearms dealer
  - **■**¶ 10
- ✓In connection with acquiring a Sig Sauer model 1911 STX .45 auto caliber handgun, DeBorba made a false statement
  - ■¶ 10; Ex. 3 (4473; Firearms Transaction Record)

Double Check: #				Phone N	lumb	er: 978-39	08-5793	00	4/60"2	1/21-	U
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I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.i and/or 12.b. through 12.c. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2, and provides the documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14). 14. Transferee's/Buyer's Signature 15. Certification Date

Section B - Must Be Completed By Transferor/Seller

24, Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL should include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
SIG SAUER	1911 STX	54E026501	PISTOL	.45 AUTO
				~~~~

04/04/2019

# Count 5: False Statement During Purchase of Firearm (4/4/2019)

- ✓DeBorba knew the statement was false
  - ■¶ ¶ 2-6, 30: DeBorba admits that "he was aware at all relevant times relevant to this case that he did not have legal status in the United States."
- ✓ False statement was material
  - ■¶ 10: "DeBorba's statements regarding his citizenship and legal status influenced Cabela's into believing that the firearm could be sold to DeBorba in compliance with Title 18, United States Code, Section 922(d)(5)."

#### Count 6: False Claim to United States Citizenship (2/25/2019)

- ✓ DeBorba directly and falsely represented himself to be a U.S. citizen
  - ¶ 8 & Ex. 2 (Concealed Pistol License)

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Ex. 2

#### Count 6: False Claim to United States Citizenship (2/25/2019)

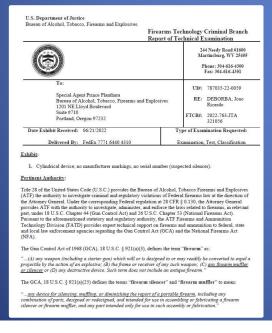
- ✓ DeBorba was not a citizen at that time
  - ¶ ¶ 2-6, 30: DeBorba admits that "he was aware at all times relevant to this case that he did not have legal status in the United States."
- ✓ DeBorba made the false representation willfully (voluntarily and deliberately)
  - ¶ 8: "DeBorba knew that his answers ... were false... and thus made [them] voluntarily and deliberately."

#### Count 6: False Claim to United States Citizenship (2/25/2019)

- ✓ False representation was made to someone who had good reason to inquire into citizenship
  - ¶ 8: "These questions on the Washington State Department of Licensing form were posed for the purpose of ensuring that the Concealed Pistol License could be issued to DeBorba in compliance with Revised Code of Washington 9.41.070 and 9.41.173 and that DeBorba's possession of a firearm would comply with Title 18, United States Code, Section 922(g)(5).

# Count 7: Unlawful Possession of Firearm Silencer (5/6/2022)

- ✓ Defendant knowingly possessed a firearm silencer
  - ¶¶ 23-25, Ex. 13 (photo), & Ex. 15: ATF Officer Jason Armstrong concluded it meets the definition of "firearm silencer"





# Count 7: Unlawful Possession of Firearm Silencer (5/6/2022)

- ✓ DeBorba was aware the device was a firearm silencer
  - ¶ 27: DeBorba stipulates
- ✓ DeBorba had not registered the firearm silencer with the National Firearms Registration and Transfer Record
  - ¶ 26: Firearms Specialist Elicia Elkins confirmed
  - ¶ 27: DeBorba stipulates